In the High Court of Judicature at Madras

Dated: 08/04/2003

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The Hon'ble Mr. Justice K.P.SIVASUBRAMANIAM

W.P.No.10716 of 2003
and W.P.Nos. 10717 to 10720 of 2003
and
W.P.Nos.13543 to 13547 of 2003

A.Chockalingam ...Petitioner in WP 10716/03

S.ThiruvadiNainar ...Petitioner in WP 10717/03

A.Subramanian ...Petitioner in WP 10718/03

C.Balakrishnan ...Petitioner in WP 10719/03

S.Gnanam ...Petitioner in WP 10720/03

-Vs-

1.The Registrar of Co-op.Societies,
170, E.V.R.Periyiar Road,
Kilpauk,
Chennai-10.

2.The Joint Registrar of Co-op. Societies,
Tuticorin District,
Tuticorin.

3.The Deputy Registrar of Co-op. Societies,
Tuticorin Circle,
Tuticorin.

4.The Special Officer,
E.E.145, Karungulam Primary Agricultural,
Co-op. Bank,
Seydunganallur,
Tuticorin District. ...Respondents in all WPs

Petitions filed under Article 226 of the Constitution of India
to issue a writ of Certirarified Mandamus calling for the records in pursuant
to the impugned order passed by the 4th respondent in proceeding dated
08.03.2003 and quash the same or in the alternate direct the respondents to

accommodate the petitioner in each petition by way of transfer of service to the Thoothukudi District Central Co-operative Bank or any other Co-operative Societies in the State with all consequential service benefits.

!For Petitioner : Mr.K.Krishnmamurthy

^For Respondents 1 to 4: Mrs.N.G.Kalaiselvi, Spl.GP

:Common Order

These petitioners seek writ of certiorarfied mandamus to call for the records of the orders of the 4th respondent in proceeding dated 0 8 .03.2003 and quash the same or in the alternate direct the respondents to accommodate the petitioner in each petition by way of transfer of service to the Thoothukudi District Central Co-operative Bank or any other Co-operative Societies.

2. The following facts are sufficient for the disposal of these writ petitions:
Admittedly, the society is running at a loss. Therefore the Deputy Registrar of Co-operative Society has issued a notice under Section 1 37 (2) of the Tamil Nadui Co-operative Societies Act,(hereinafter referred to as the Act). According to the notice,the petitioner is called upon to show cause as to why the said society should not be wound up. By virtue of the impugned order, the employees have been given notices to show-cause as to why the employees should not be relieved from the posts in view of the proposal to wind up the society. Aggrieved by the show-cause notice the employees have filed these writ petitions.

3. It is needless to point out that the issue as raised under Section 137(2) of the said Act, is a matter between the authorities and the society. Admittedly, the society is running at a loss which fact is fairly conceded by the employees. Therefore it is for the society to protest if there was any acceptable reason against winding up the registered society. The employees can have no say in the matter.

4. The impugned notice is only a show-cause notice and in the event of the employees having any acceptable reason to oppose it, it is open to them to represent such reasons in their reply. No interference is called for as against the show-cause notice.

5. The claim of the petitioners to have an alternative employment also have no legal basis. The learned counsel for the petitioner fairly admits that there are no mandatory provisions or orders enabling alternative employment.

6. In the result, there being no legal right in favour of the petitioners, the writ petitions are dismissed. Consequently, the connected W.P.M.P.Nos.13543 to 13547 of 2003 are also dismissed. No costs.

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Copy to:-

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